ABSTRACT

of the **CASE** of the

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American Loyalists,

Claiming the Fulfilment of Engagements of the British Government, to compensate them for Losses sustained in consequence of their Exertions in endeavouring to uphold the Authority of the British Crown and Parliament in the American Colonies.

E. Hickson, Printer, 31, King Street.

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NATIONAL ENGAGEMENTS to the *American Loyalists* before the Peace of 1783.

1. ON the breaking out of the Disturbances in the American Colonies which preceded the Revolutionary War, the HOUSE OF COMMONS resolved "that all His Majesty's subjects residing in the said Colonies, who have manifested their desire to comply with, or assist in carrying into execution any Acts of the Legislature relating to the said Colonies, have acted as dutiful and Loyal Subjects, and *are therefore entitled to, and will assuredly have, the protection of the House of Commons of Great Britain.*"

2. A similar Resolution was passed by the HOUSE OF LORDS.

3. These tumults having increased to open hostility, HIS MAJESTY issued a Proclamation calling upon his Loyal Subjects in the American Provinces for their exertions in support of the authority of the Crown and of Parliament: the reason of which is stated in the Proclamation itself in the following words: "In order, therefore, that none of our Subjects may *neglect or violate their Duty* through ignorance thereof, *or through any doubt of the protection that the law will afford to their Loyalty and Zeal.*" And similar Proclamations were issued by His Majesty's ADMIRALS and GENERALS commanding in America, declaring further "that all those who should protect, assist, supply, conceal, or correspond with the Insurgents, should be treated as *Rebels* and *Traitors.*"

4. The usurped Legislatures of the Colonies, in their turn, passed Laws, declaring all Persons who should aid, assist, or correspond with, the Subjects of Great Britain, *guilty of High Treason, attainting their persons and confiscating their property.*

5. HIS MAJESTY's COMMISSIONERS, acting under the authority of Parliament (18 Geo. III. Chap. 13.) for effecting a reconciliation with the Colonies, in their manifesto and letter to the President of Congress, declare that a regard must be paid to the many who, from affection to Great Britain, have exposed themselves to suffer in this contest, *and to whom Great Britain owes support at every expense of blood and treasure.*

Treaty of Peace.

6. This unfortunate contest was terminated by the Preliminary Treaty of Peace signed at Paris on the 13th November 1782 and ratified by the Definitive Treaty 3rd September 1783.

By the 4th Article, "It is agreed that Creditors on either side shall meet with no lawful impediment to the recovery of the full value in Sterling Money of all bona fide Debts heretofore contracted."

The 5th Article stipulates that Congress should earnestly *recommend to the several Legislatures of the respective States* to provide for the restitution of all Estates, Rights, and Properties, which had been confiscated belonging to *real British Subjects*, or to persons resident in districts in the possession of His Majesty's arms, and *who had not borne arms against the United States*: and that *persons of any other description* should have free liberty to go and remain twelve months in the United States *unmolested in their endeavours to recover their confiscated Property*; and that Congress should recommend a revision of the Laws respecting the premises.

NATIONAL ENGAGEMENTS to the *American Loyalists* after the Peace of 1783.

7. HIS MAJESTY in his Speech to both Houses of Parliament on opening the first Session after the Peace, manifested his paternal solicitude for the fulfilment of the engagements which had been made to *the American Loyalists*, by observing,

"I trust that you will agree with me, that a due and generous attention ought to be shewn to those who have relinquished their Properties or Possessions from motives of loyalty to me or attachment to the Mother Country."

8. The HOUSE OF LORDS, in their Address in answer to His Majesty's Speech, "Assure His Majesty that they feel "in the strongest manner the obligation of affording every relief that can alleviate the distresses of those deserving "Subjects who have exposed their Lives and Fortunes for the support of Great Britain."

9. And the HOUSE OF COMMONS in their Address to His Majesty on the same occasion declare, "That it would be "*superfluous* to express to His Majesty the regards due from this Nation to *every Description of Men* who, with the "risk of their Lives, and the sacrifice of their Properties, have distinguished their Loyalty and Fidelity during a long "and calamitous war."

10. On the discussion of the Treaty of Peace IN THE HOUSE OF LORDS,

Lord Walsingham, speaking of the *American Loyalists*, observed, "*their claim upon us is self-evident: they have been invited to join us by our own acts:* it was a Parliamentary War, and therefore it is more incumbent on the Legislature to protect them."

Lord Shelburne, *then Prime Minister*, and afterwards Marquis of Lansdowne, acknowledged that the Property of the *Loyalists* had been sacrificed as the price of Peace, but justified the measure by stating, that "a part must be wounded "that the whole of the Empire may not perish; I had but the alternative either to accept the Terms of the *recommendation* of Congress to the States in favor of the *Colonists* or continue the War: without one drop of blood spilt, "and without one-fifth of the expense of one year's campaign, happiness and ease can be given to the *Loyalists* in as "ample a manner as these blessings were ever in their enjoyment: therefore let the outcry cease on this head."

11. ..... IN THE HOUSE OF COMMONS,

Mr. Wilberforce said, "he was induced to believe that the Loyalists would obtain redress in America. *Should "they not, this Country was bound to afford it to them: they must be compensated. Ministers, he was persuaded, meant "to keep the faith of the Nation with them.*

Mr. Townsend, *Secretary of State*, afterwards Lord Sydney, "Trusted, should the *recommendation* of Congress to "the American States prove unsuccessful, which he flattered himself would not be the case, *this Country would feel "itself bound in honor to make the Loyalists full compensation for their Losses.*"

12. All the Members of both Houses, however different their opinions on other matters, fully and unanimously concurred in these sentiments.

13. In order to carry into effect these numerous promises of protection, support, and compensation to the American Loyalists who had been banished from their Country and deprived of their Property by Acts of Attainder and Confiscation on account of their exertions, in endeavouring to support the authority of the British Government, an ACT OF PARLIAMENT was passed in the 23rd year of His Majesty's reign, chap. 80, appointing Commissioners "for inquiring into the respective losses and services of all such person and persons who have suffered in their "Rights, Properties and Professions during the late unhappy dissensions in America in consequence of their Loyalty "to His Majesty, and attachment to the British Government."—

Most of the *Loyalists* Compensated at that time.

14. Under this Commission those *American Loyalists*, whose Losses arose from any other source than Debts owing to them by the Americans, received Compensation at that time upon the Reports of the Commissioners by Votes of Parliament.

Present Claimants referred by Commissioners under Act 23 Geo. III. Chap. 80, to 4th Article of Treaty of Peace.

15. *The equality of the right of the present Claimants with those who received such Compensation has never been questioned;* but they were deprived of the benefit of that Act by the Commissioners declining to examine their Claims, by order of Government, and referring them to the 4th Article of the Treaty of Peace. This reference was made by those in Authority from an opinion that those Debts were recoverable in the American Courts. The *Loyalists* accordingly endeavoured to recover their Debts in America. But they found this altogether impracticable; many of their Debtors having been compelled to pay into the Treasuries of the different States in which they resided, the Sums they owed to the *Loyalists*—termed by the Americans *Refugees and Outlaws*; and such States had given the Debtors full and complete discharges. Others, who had not this pretence, refused Payment. None of the Courts would compel it; the Attainder of the *Loyalist* being admitted as a bar to his Action. And those *Loyalists* who went to America to endeavour to recover their Property, on the faith of the stipulation in the fifth Article of the Treaty for their personal security for twelve months, were even imprisoned or otherwise maltreated. They therefore renewed their applications to the Commissioners; but with no better success than before.

Reference ineffectual

Commissioners' reasons for referring.

16. That Board, however, in their Twelfth and last Report, dated 16th May 1789 observe; "We have taken opportunities on former occasions of stating the reasons which induced us to *decline inquiring into Debts due to the Loyalists.*

And in a letter dated 3rd of March 1813, from the late John Wilmot Esq. who had been Chairman of the Board of Commissioners, to one of the present claimants, in answer to an application to him on the subject, he expressed himself as follows: "I remember well having constantly declared myself, and frequently the other Commissioners, that we

Mr. Wilmot.

"did not think ourselves justified in inquiring or going into the account of the Debts due to the *American Loyalists*; "because the recovery of them in Sterling Money was reserved to them by the 4th Article of the Treaty of Peace with "the United States, and which we could not suppose that our Government would not see *faithfully and fully* complied with.

Mr. Marsh.

Mr. Marsh, another of the Commissioners, is now living; he has confirmed the opinion of Mr. Wilmot in a letter to one of the present claimants, dated 25th January 1816, in the following words: "I perfectly agree in the opinion my "deceased friend Mr. Wilmot entertained on the subject of Debts, as stated by him in a letter he wrote on the 3rd of "March 1813, to the Executor of an *American Loyalist.*"

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Reasons of American Government's refusal to admit *Loyalists* to the benefit of 4th Article of Treaty of Peace.

17. So many difficulties arose respecting the 4th Article of the Treaty, which related to the recovery of Debts, that it finally became necessary for the British Government to send out a Minister Plenipotentiary to bring those difficulties, if possible, to an amicable conclusion; and in 1791 Mr Hammond was appointed for the purpose. In his Letter of the 5th March 1792, to Mr. Jefferson, Secretary of State to the United States, he complained of the *Losses sustained by the Loyalists in Debts* during the Revolutionary War in consequence of Resolves of Congress, and Laws of the different State Legislatures in violation of the Treaty of Peace. Mr. Jefferson in his answer of the 29th May following, shews that the Article in favor of the Loyalists was only recommendatory, observing, "That when the American Commissioners for Negociating the Peace, in every other than the 5th Article of the Treaty agreed expressly *to do*; why in this do they change suddenly and agree only to *recommend*? Because the things here proposed to be done were retrospective in their nature; would tear up the Laws of the several States, and the contracts and transactions, private and public, which had taken place under them; and retrospective Laws were forbidden by the Constitutions of several of the States. I have, by way of *preliminary*, placed out of the present discussion all acts and proceedings *prior to the Treaty of Peace, considering them as settled by that Instrument, and that the then state of things was adopted by the Parties.*"

Continued.

Continued.

Treaty of Amity 1794

18. At length the Negociation terminated in a Treaty of Amity, Commerce, and Navigation between His Majesty and the American Government, signed at London the 19th November 1794; by the 6th Article of which the American Government agreed to make full and complete Compensation to *British Creditors* who had been prevented by legal impediments from recovering Debts contracted before the Peace, and still owing to them by Citizens or Inhabitants of the United States; and Commissioners were appointed for ascertaining the Amount of such Losses. This Commission was established in Philadelphia in May 1797; and being ordered by the British Government, the *American Loyalists* made their Claims at that Board. The first claim so made was objected to by the Attorney-General and official Agent of the United States asserting "*That the Claimant having been attainted by an Act of the State of New York, passed before the Peace, on Account of his Adherence to his Britannic Majesty, and being one of that Description of Persons known under the Denomination of Loyalists or Refugees, he did not possess a Character entitling him to claim before that Board: that the Debts due to him having been confiscated by the said Act, he was not a Creditor within the meaning of the 6th Article of the Treaty of Peace; and came only within the recommendatory provisions of the 5th Article thereof.*" And such difficulties were interposed by the American Commissioners, (who at length altogether withdrew themselves from the Board,) that no one Object of the Treaty could be effected; and the British Commissioners, after remaining some months longer, returned to England in August 1800.

Commissioners meet at Philadelphia.

Loyalists precluded benefit of 4th Article of Treaty of Peace by Acts of Attainder and Confiscation.

Treaty of Amity ineffectual.

Convention of 1802.

19. Negociations however were renewed between the two Governments, and on the 8th of January 1802, a Convention was signed; by which the United States engaged to pay, and His Majesty consented to accept, for the Use of the Persons described in the 6th Article of the Treaty of 1794, the Sum of £600,000 sterling, in Satisfaction and Discharge of the Money which the United States might have been liable to pay in pursuance of that Article, which was thereby declared to be cancelled and annulled. And on the 23d of April 1803, an Act of Parliament was passed (43 Geo. III. ch. 39.) appointing Commissioners for apportioning and dividing the same. *The Loyalists, by Order of Government,* presented their Claims for Losses by Debts to this Board, whose Adjudications on the entire Claims presented to them amounted to £1,420,000; of which the Sum adjudicated to the *Loyalists* was ..... £.27,857 : 12 : 8

Adjudications of Commissioners for apportioning £600,000.

and the Payments thereon ..... 105,813 : 11 : 8

Leaving a Balance of ..... £122,044 : 1 : 0

Balance due to the *Loyalists*.

still due to them on their adjudged Claims, exclusive of Interest from the 1st of June 1804; to which time only Interest was calculated in their Schedules by order of the Commissioners; and *before a shilling was allowed to a Loyalist, the most distinct and unequivocal proof was required of his title to that Character.* But in resorting to this Fund by order of Government did they obtain such redress as to shut out their future Claims as *Loyalists?* or did they abandon their final Claims sanctioned by the Act of Parliament? Certainly not. They took what they were ordered in part discharge of their Debts, and pro tanto in discharge of their Claims as *Loyalists, upon the Public*: but they did not abandon, and it never can be supposed for a moment that they ever thought of abandoning their Claims as *Loyalists*, for Compensation of the balances to the extent of the Awards in their favor; which Awards, on account of the Investigation being deferred upwards of twenty years, and the loss of evidence by deaths in that long interval, do not in general amount to more than a third part of the real Losses bonâ fide sustained.

Commission completed in 1811.

20. The Distribution of the £600,000 occupied the Commissioners 'till 1811; their last Report is dated 19th May in that Year.

Petition of *British Merchants* to the House of Commons

Reason why signed by some of the *Loyalists*.

21. On the 22d of January 1812 a Petition,[1] prepared by the *British Merchants trading to America before the War*, for the Balances due upon the Adjudications of the Commissioners and Interest thereon, was presented to the House of Commons. The Commissioners having expressed their decided opinion that the Balances would be paid to all the Claimants to the extent of their Awards, this Petition was signed as a matter of course by some of the *American Loyalists* in their capacity of Creditors who had gone before that Board by order of Government; but their Character of *American Loyalists* was not noticed in that Petition.

Memorial of the *Loyalists* to the Lords of the Treasury.

22. Wherefore on the 3rd of December 1812, finding that the sentiments of Government were not favorable to the Claims of the *British Merchants*, the present Claimants presented a Memorial[2] to the Lords of the Treasury, setting forth their distinct predicament as *American Loyalists*.

Report on the *Merchants'* Petition.

23. The Report[3] of a Committee of the House of Commons on the Petition of the *British Merchants* completely establishes that the Whole of that Proceeding had no Reference whatever to the Case of the *American Loyalists*: about whom, as in the Petition, not one Word was said. This Report was taken into consideration in the House on the 20th of May 1813, and the Petition rejected.

Communications of the *Loyalists* with His Majesty's Ministers.

24. Before the consideration of this Petition, Mr. Matthew White, one of the present Claimants, had several conversations on the subject of the *American Loyalists'* Claim with *Lord Liverpool and the Chancellor of the Exchequer, who acknowledged the distinction between the two Cases.* It was suggested to Mr. Vansittart to move for the Amount of the Balances due to the *Loyalists* on the Adjudications of the Commissioners, in a Committee of Supply, as Mr. Pitt had done in 1788; or to bring it forward himself in any other way that he might prefer; or to concur in its being brought forward by Mr. Wilberforce, who had expressed his willingness to undertake this kind office, with Mr. Vansittart's assent to the measure. This last was considered the arrangement: and a Petition to the House was prepared and transmitted for the purpose, in a Letter from Mr. White to Mr. Wilberforce, dated 8th April 1813; of which the following is an extract. "*Lord Liverpool and Mr. Vansittart are sensible of the difference between this Case and the Merchants' trading to America before the Revolutionary War; and the latter has assented to the Petition being entertained by the House.*" Mr. Wilberforce was accordingly about to present it. Mr. Vansittart not being in the House, Mr. White applied to Mr. Bathurst, who being aware of the many conversations that had taken place between Mr. Vansittart, Mr. Wilberforce, and Mr. White, upon the subject, rose to give the assent of the Crown; but observing Lord Castlereagh in his place, requested His Lordship to do it, which he accordingly did. The time for receiving private Petitions having expired, the forms of the House precluded its being received without a Petition for leave to present it; *which alone prevented the Case of the American Loyalists from being before the House at that time.* Such a Petition was prepared; and would have been presented; but was postponed, at the request of Mr. Vansittart, first until the *British Merchants'* Petition had been decided upon; afterwards, on account of the pressure of public business, and until he had contracted for the Loan, and brought forward the Budget.

Continued.

25. On the 30th of June, the Loyalists had an interview with Lord Liverpool and Mr. Vansittart; who required *an account of the Adjudications of the Commissioners in favor of the Loyalists.* This was transmitted in a Letter from Mr. White to Mr. Vansittart on the 6th of July 1813; to which Mr. White received the following answer.

"SIR, Downing Street 10th July 1813.

"I have to acknowledge the receipt of your Letter of the 6th instant, transmitting *a List of Awards to the American Loyalists*, and to acquaint you, that having communicated with Lord Liverpool on the Subject, it is both his Lordship's Opinion and my own that it is decidedly too late to propose any Measure founded on them during the present Session, even if it be the opinion of Government that Parliament should be resorted to, after the Consideration which they will give to these Claims. The Causes which have rendered the further Consideration of this Subject necessary are so well known to the Gentlemen interested that I feel it quite unnecessary to restate them, and I much regret that so much time has been lost. *I am aware that the List of Claims before me is distinguishable in principle from the Remainder of the Claims lately decided upon by Parliament;* but notice having been given to renew the Application of the other Claimants, *some Difficulty may be occasioned by that Circumstance.*

"I am, Sir, &c.

"M. White, Esq. "N. VANSITTART."

[1] Case, printed in 1813, page 22. [2] Case, page 47. [3] Case, page 57.

Continued.

26. The "Causes for the farther consideration of this Subject" alluded to in the above Letter are entirely unknown to the Claimants, who were led to believe, by the concluding Paragraph, that after the Merchants' Petition had been finally disposed of (the renewal of the Royal Assent being refused, it was never afterwards brought forward,) the payment of the Balances due to the *American Loyalists* would be no longer delayed; as the *Distinction* between their Claims and those of the *British Merchants* had been admitted by His Majesty's Ministers on several Occasions; and *Lord Liverpool had observed*, at a conference with the *British Merchants* previous to the consideration of their Petition by the House of Commons, on signifying the intention of Government to oppose their Petition, and being in consequence reminded of the Compensation granted to American Loyalists, *that there was no similarity in the two Cases, and expressed much surprise at the idea of resorting, as a Precedent in their favor, to what had been done by Parliament for the Loyalists; in which opinion the Chancellor of the Exchequer expressed his concurrence.*

Continued.

27. After this admission of the *distinction* between the Cases of the *British Merchants* and the *American Loyalists*, the latter were not a little surprised on learning, by a Note from Lord Liverpool and the Chancellor of the Exchequer, that "they found much difficulty in making *such a distinction* between this Case and that of the general Claimants, which had been already decided upon, as would justify His Majesty's Government in departing from the principle applied to the general Claims." In a subsequent Note from Lord Liverpool and Mr. Vansittart to the Claimants (2d September 1814) the difficulty of making this distinction is again noticed.

Continued.

28. In order to obviate this difficulty the Claimants employed a Barrister of the first eminence to draw up a clear Statement of the distinction, which was presented in a Note † from the *Loyalists* to Lord Liverpool and Mr. Vansittart on the 31st January 1815; and on the 17th of May following, a Letter was addressed by Mr. Lavie, on their behalf, to Mr. Vansittart, who, in answer to a personal application by Mr. Lavie a few days afterwards, was pleased to declare that their Claims were put forth in such forcible terms, that *even if Government should determine not to admit them, a mere Negative would not be sufficient*; that he would submit both the Note and the Letter to Lord Liverpool's further consideration, and confer with his Lordship as to the answer to be given as soon as the recess took place. Their numerous written and personal applications for the *promised answer* in the succeeding period of 1815, 1816, 1817, and 1818, having failed to procure the Claimants the honor of any reply from Lord Liverpool or Mr Vansittart, they conclude that their Claim has not yet received the farther consideration which his Lordship and the Chancellor of the Exchequer appeared to think it required.

The *Loyalists* excluded from 4th Article by the Negociators of the Treaty of Peace.

29. A Work of unquestionable authority, the "Private Correspondence of Doctor Franklin," published since the above Note was presented, shews (vol.2, page 410) that the American Negotiators of the Peace of 1783, in their Official Letter to the Secretary of State of the United States, dated July 1783, containing their remarks upon the Treaty, stated that "The words for restoring the Property of *real British Subjects*" (see § 6) "were well understood and explained between us *not to mean American Refugees*. Mr. Oswald and Mr. Fitzherbert‡ know this to have been the case, and will readily confess and admit it. This mode of expression was *preferred by them* as a more delicate mode of *excluding those Refugees*, and of making a proper *distinction* between them and the Subjects of Britain, whose only particular Interest in America consisted in holding Lands or Property there."

30. This more than corroborates Mr. Jefferson's answer to Mr Hammond (§ 17); and the objection of the Attorney General of the United States to the Claims of the *Loyalists* being received by the Board of Commissioners at Philadelphia (§ 18); and the three shew clearly that a *distinction* was made by both the British and the American Negotiators between the *American Loyalists* and *other British Subjects* for the purpose of specifically excluding the former even from the benefit of the clause in the 5th article of the Treaty which stipulated only that Congress should *recommend to the State Legislatures* a restitution of the property of *real British Subjects*: but *not of persons who had borne arms against the United States* (§ 6): *Therefore it is utterly impossible that the 4th Article containing a positive stipulation for the recovery of Debts, could be intended to apply to the American Loyalists: who had borne arms against the United States. They consequently ought not to have been referred to it.*

Erroneous reference to the 4th Article—sole cause why Claimants were not paid in the year 1788.

31. His Majesty's Government will surely not attempt to take advantage of the failure of its own error in ordering this mistaken reference, to deprive these Claimants of their just rights. It is manifest from the letters of Mr. Wilmot and Mr. Marsh, (§ 16) two of the first Board of Commissioners, that this erroneous reference was the *sole cause* that the present claimants did not receive compensation in the year 1788 together with their fellow sufferers whose rights were exactly similar (§ 14); and of the grievous hardships they have endured from being so long deprived of their property; in consequence of which most of them have been driven from their former affluent station in society, and reduced to penury and distress.

Distinction established between *British Merchants* and *American Loyalists.*

32. The official opinions before mentioned of persons holding such high situations under the American Government establish the *distinction* between the *British Creditors* and the *American Loyalists* beyond the possibility of doubt: if any doubt could exist of the *distinction* between *a Merchant residing in Britain*, trusting his property to persons in America in the course of his trade, and losing it; and *a person born or residing in America* being deprived of his possessions and rendered incapable of holding property there, and banished the Country by Acts of Attainder and Confiscation, which operate against him to this day. This *distinction* and the injury to the *Loyalists* from the want of due attention to the existence and the force of it are more particularly detailed in their Note of 31 January 1815, before referred to.

Imaginary distinction between *Loyalist* and *Loyalist* refuted.

33. But as the above important *distinction* appears to have been overlooked by His Majesty's Ministers, so another *distinction* of a most injurious nature to the present Claimants would seem, from the course of these proceedings, to have been assumed or imagined as an argument for withholding from them that redress to which they are entitled. So long ago as the year 1788 those *Loyalists*, whose confiscated Property consisted of any thing except Debts *received their indemnification.* But *were they the only Loyalists whose services were accepted by the State—whose lives were endangered—whose fortunes were sacrificed—or whose merits and sufferings were contemplated by Parliament as worthy the consideration of their Country?* The present Claimants were equally *Loyalists*, and had their property in Debts, chiefly on Bonds and Mortgages, *confiscated at the same time, and are of course equally within the meaning of the Act* 23 Geo III. ch. 80: but unhappily they have not yet been able to realize their corresponding right to Compensation; and the unpaid Balances upon the Awards of the last Board of Parliamentary Commissioners constitute their actual Claims.

Conclusion.

34. The foundations of these Claims are not of a doubtful or perishable nature.———

The Proclamations of HIS MAJESTY, His ADMIRALS, and His GENERALS;

The Resolutions of BOTH HOUSES OF PARLIAMENT;

The Manifesto of HIS MAJESTY'S COMMISSIONERS acting under the Act 18 Geo. III. ch. 18;

The Speech of HIS MAJESTY to both Houses of Parliament after the Peace;

The Addresses of BOTH HOUSES OF PARLIAMENT in answer to the King's Speech;

The Speeches of the MINISTERS, &c. in both Houses on the discussion of the Treaty of Peace;

The ACT OF PARLIAMENT (23 Geo. III. ch. 80.) embodying all the foregoing;

These are the solemn pledges of the Executive and Legislative Bodies of an Empire pre-eminent amongst Nations for its faithfulness and honor, even to its enemies. *Will then His Majesty's Advisers, in the exercise of that exalted Office, make themselves parties to a Violation of the faith of all the highest Authorities in the State, and of the sacred word of Majesty itself, to its own Subjects, bereft of their Property and Outcasts from their Native Land, in consequence of the part they took under an implicit reliance on the fidelity of the promises held out to them?* It is impossible! And the injurious delay of payment of the Balances still due can only have proceeded from their not having *yet* fully considered the Case of these Claimants; who now look with confidence to the justice of Parliament for the fulfilment of those engagements in the same manner as to their fellow sufferers thirty years ago, trusting to the support of every Member who shall kindly condescend to examine the fair pretensions of their Claim.

† Case, page 52. ‡ The British Negotiators.

LONDON, 1 *June*, 1818.

(Vide next Page)

Conversation between Mr. Wm. Smith and Mr. Vansittart in the House of Commons, 5 June 1818.

35. P.S. 6 June 1818. In reply to a question put by Mr. Wm. Smith last night in the House of Commons to the Chancellor of the Exchequer, as to his intentions respecting the Claim of the *American Loyalists*, Mr. Vansittart said, that "he could have no disinclination to attend to Claims founded in justice, but that the Claimants had already participated "in the relief afforded by the Country to the general Claimants, for remuneration for Losses sustained in consequence "of the American War: and that *as he now viewed the Case of the Loyalists*, he could not see a sufficient *distinction* "between their situation and that of the *American Merchants* and others, with whom (as he had before mentioned) they "had in some degree participated, to warrant him in holding out to those *Loyalists* the hope that he should be able to "recommend a further grant to be applied to their use."

Remark.

It is to be observed, that the Claimants have received nothing on account of these Claims "*from the Country*," and only part payment of the sums adjudged to be due to them, out of the £600,000, paid by the American Government, as stated in § 19: and that when the abovementioned conversation took place, Mr. Vansittart had not seen the foregoing Abstract; which was then in the hands of the Printer unfinished. The Claimants trust, that after an attentive consideration of it, he will see the manifest distinction, the total dissimilarity that exists between the Claims of the *British* Merchants trading to America before the War, (erroneously styled by Mr. Vansittart *American* Merchants) and those of the *American Loyalists*; and that, as the only obstacle he has ever offered to their Claim, is clearly shewn to be founded in error, he will now, as an act of national and necessary justice, extend his patronage and support to the Claimants in obtaining for them the compensation they are entitled to.